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| EXAMINER |
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HERRERA, DIEGO D

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| ART UNIT | PAPER NUMBER |
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2617

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08/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/824,360 | <b>Applicant(s)</b><br>PARK, HEE-LA |  |
|                              | <b>Examiner</b><br>Diego Herrera     | <b>Art Unit</b><br>2617             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 4, 11, 12, 22-24, 30, and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 13-21, 25-29, and 32-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Examiner notes claims 4, 11-12, 22-24, and 30-31 have been cancelled.

Examiner notes new claims 33-38.

Examiner notes amended claims 1-2, 6, 8, 10, 14, 16, 21, and 25-28.

### ***Response to Arguments***

Applicant's arguments filed 5/22/2007 have been fully considered but they are not persuasive.

In response to applicant's arguments concerning claims 1, 10, 16, and 21 as to flag setting or the setting of an indicator does not warrant a patent; furthermore, since it is well known in the art that flag setting is used to stop the execution of an operation until other parameters have been met, then normal protocol or function can continue.

In response to applicant's arguments concerning wherein MMS message is partitioned into two separate SMS messages with each SMS message having part of the whole of the one MMS message, reads on the combination of Laumen et al. and Rukman.

Laumen et al. discloses the sending of multiple messages comprising a message of MMS, however, Laumen et al. does not teach the sending of the MMS by the use of SMS messages, nevertheless, Rukman does teaches the tethering of messages of SMS with MMS data.

Regarding the claims 1-38, the features are shown via the primary and secondary references cited in the action, where Laumen et al. and Rukman show motivations and can be used because they are in the same field and teaching nearly identical systems for a mobile terminal.

Therefore, the argued features are written broad such that they read upon the cited references or are claiming the same limitations as the cited references.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Laumen et al. (US publication 20040147284 A1), and in view of Rukman (US publication 20040185883 A1).

Regarding claim 1 and 21. (Currently Amended) Laumen et al. discloses a method for receiving a wireless message in a mobile telecommunication system (abstract, title, fig. 1, paragraph [0030]) comprising:

However, Laumen et al. does not specifically clearly discloses receiving a first short message service (SMS) message of a multimedia message service (MMS) notification message; nonetheless, Rukman does teach using receiving a first short message service (SMS) message of a multimedia message service (MMS) notification message (abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention of Laumen was made to specifically include receiving a first short message service (SMS) message of a multimedia message service (MMS) notification message, as taught by Rukman for the purposes of make MMS widely available (abstract).

performing a flag setting in a mobile station (MS) after receiving the first SMS message of the MMS notification message, the flag. setting to restrain radio area update (RAU) processing (fig. 3, abstract, paragraph [0030], [0042]); and  
receiving a second SMS message of the MMS notification message, wherein  
performing the flag setting occurs prior to receiving the second SMS message (fig. 3, abstract, paragraph [0030], [0042], table 5).

2. (Original) The method of claim 1, the combination discloses further comprising

performing processing after receiving the second SMS message (fig. 3, abstract, paragraph [0030], [0042]);

3. (Previously Presented) The method of claim 1, the combination discloses wherein the mobile telecommunication system comprises one of a GSM based system and a GPRS based system (Laumen teaches the invention applies to GSM and 3GPP Systems, paragraph [0001]).

Claim 4. (Canceled)

5. (Original) The method of claim 1, the combination discloses further comprising storing the SMS message in the MS and then informing a user of a message reception when the SMS message is not a SMS message of a MMS message (fig. 3, abstract, paragraph [0030], [0042], Laumen teaches the terminal receiving first message and then setting Boolean flag and then waiting for second data to be transmitted) (abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type).

6. (Original) The method of claim 1, the combination discloses further comprising determining whether the SMS message is a general SMS message or a MMS notification message based on data included in a header of the first SMS message (fig. 3, abstract, paragraph [0030], [0042], flag setting by Laumen is described as been that of request use of the MMS bearer channel for data transmission) (fig. 5, paragraph [0053], Rukman teaches association code to distinguish SMS and Non- SMS).

7. (Original) The method of claim 1, the combination discloses wherein the flag setting comprises a Boolean function performed in a SMS entity (fig. 3, abstract, paragraph [0030], [0042], flag setting by Laumen is described as been that of request use of the MMS bearer channel for data transmission) (abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type).

8. (Original) The method of claim 1, the combination discloses further comprising changing the flag setting when the second SMS message is received (fig. 3, abstract, paragraph [0030], [0042], flag. setting by Laumen is described as been that of request use of the MMS bearer channel for data transmission; inherently, when transmission of final message is done the next MMS message is going to be checked against protocols to determined if a flag setting is necessary to wait for the second data string to be streamed) (abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type).

9. (Previously Presented) The method of claim 1, the combination discloses further comprising performing the RAU processing, forming one MMS notification message from the two received SMS messages, and storing the one MMS notification message in the MS (abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type).

10. (Previously Presented) Laumen et al. discloses a method for receiving a wireless message in a mobile station that receives two SMS messages constituting a MMS notification message from a network through different radio resource connections (fig. 3,

abstract, paragraph [0030], [0042], flag setting by Laumen is described as been that of request use of the MMS bearer channel for data transmission), wherein a routing area update (RAU) is controlled based on the received SMS messages of the MMS notification message and based on a flag setting of the mobile station, wherein the RAU is prevented from being performed at a time of the flag setting, and the RAU is performed after changing the flag setting (fig. 3, abstract, paragraph [0030], [0042], flag setting by Laumen is described as been that of request use of the MMS bearer channel for data transmission; inherently the network systems will perform a RAU when mobile is able to and after the reset of flag settings).

Claims 11-12 (Canceled).

13. (Previously Presented) The method of claim 10, the combination discloses wherein the flag setting comprises a Boolean function (fig. 3, abstract, paragraph [0030], [0042], Laumen teaches the terminal receiving first message and then setting Boolean flag and then waiting for second data to be transmitted) (abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type).

14. (Previously Presented) The method of claim 10, the combination discloses wherein the flag setting is changed after receiving the two SMS messages constituting the MMS notification message (fig. 3, abstract, paragraph [0030], [0042], flag setting by Laumen is described as been that of request use of the MMS bearer channel for data



transmission and receiving further information for MMS data) (abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type).

15. (Original) The method of claim10, the combination discloses wherein the network comprises a radio network based on one of a GSM and a GPRS (Laumen teaches the invention applies to GSM and 3GPP systems, paragraph [0001]).

16. (Previously Presented) A method for receiving a wireless message in a mobile station that receives two SMS messages constituting a MMS notification message from a wireless system, the method comprising:

releasing a radio resource (RR) connection when a first SMS message of the MMS notification message is received (paragraph [0030], [0042], flag setting by Laumen is described as been that of request use of the MMS bearer channel for data transmission and receiving further information for MMS data, hence the MMS bearer channel is establish and the other RR are disconnected or released);

performing a flag setting when the RR connection is released (fig. 3, abstract, paragraph [0030], [0042], flag setting by Laumen is described as been that of request use of the MMS bearer channel for data transmission; inherently the network systems will perform a RAU when mobile is able to and after the reset of flag settings);

receiving a second SMS message of the MMS notification message (paragraph [0030], [0042], flag setting by Laumen is described as been that of request use of the MMS bearer channel for data transmission and receiving further information for MMS data);

and

releasing the flag setting after receiving the second SMS message (fig. 3, abstract, paragraph [0030], [0042], Laumen teaches the terminal receiving first message and then setting Boolean flag and then waiting for second data to be transmitted; inherently when the second message is done being received the flag is if reset).

17. (Original) The method of claim 16, the combination discloses further comprising re-performing the RR connection after performing the flag setting (fig. 3, abstract, paragraph [0030], [0042], flag setting by Laumen is described as been that of request use of the MMS bearer channel for data transmission) (abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type).

18. (Original) The method of claim 16, the combination discloses wherein the wireless system comprises one of a system based on a GSM and a GPRS (Laumen teaches the invention applies to GSM and 3GPP systems, paragraph [0001]).

19. (Original) The method of claim 16, the combination discloses wherein the flag setting comprises a Boolean function performed in a SMS entity (fig. 3, abstract, paragraph [0030], [0042], Laumen teaches the terminal receiving first message and then setting Boolean flag and then waiting for second data to be transmitted) (abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type).

20. (Original) The method of claim 16, the combination discloses further comprising performing RAU and decoding the two received SMS messages after releasing the flag

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setting (paragraph [0005], [0017], [0036], Laumen teaches displaying MMS message on device)(abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type).

Claims 22-24 cancelled.

25. (Previously Presented) The method of claim 24, the combination discloses further comprising performing a routing area update (RAU) processing in response to changing the flag setting (fig. 3, abstract, paragraph [0030], [0042], Laumen teaches the terminal receiving first message and then setting Boolean flag and then waiting for second data to be transmitted; inherently when the second message is done being received the flag is reset).

26. (Currently Amended)) The method of claim 25, the combination discloses further comprising:

decoding the first SMS message and the second SMS message; and forming a single message based on the decoded first SMS message and the second SMS message (paragraph [0005], [0017], [0036], Laumen teaches displaying MMS message on device)(abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type).

27. (Previously Presented) The method of claim 1, the combination discloses further comprising:

releasing the flag setting in response to receiving the second SMS message; and

performing the RAU processing after releasing the flag setting (fig. 31 abstract, paragraph [0030], [0042], Laumen teaches the terminal receiving first message and then setting Boolean flag and then waiting for second data to be transmitted; inherently when the second message is done being received the flag is reset) (abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type).

28. (Previously Presented) The method of claim 27, the combination discloses further comprising:

forming one MMS notification message from the received first SMS message and the received second SMS message (abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type).

29. (Previously Presented) The method of claim 16, the combination discloses wherein radio area update (RAU) processing is prevented from being performed when the flag is set once the RAU processing is performed after receiving the flag setting (fig. 3, abstract, paragraph [0030], [0042], the examiner understands this claim to be claiming that after the second messages has been received and added as one message with the first message that the RAU is performed. Laumen teaches the terminal receiving first message and then setting Boolean flag and then waiting for second data to be transmitted; inherently when the second message is done being received the flag is reset).

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Claims 30-31 cancelled.

32. (Previously Presented) The method of claim 23, the combination discloses wherein setting the flag occurs prior to receiving the second SMS message (fig. 3, abstract, paragraph [0030], [0042], Laumen teaches the terminal receiving first message and then setting Boolean flag and then waiting for second data to be transmitted) (abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type).

33. (New) The method of claim 1, further comprising dividing the MMS notification message into the first SMS message and the second SMS message prior to receiving the first SMS message at the MS (abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type forming total MMS message after second SMS is received).

34. (New) The method of claim 10, further comprising dividing the MMS notification message into the first one of two SMS messages and the second one of the two SMS messages prior to receiving the first one of the two SMS messages (abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type forming total MMS message after second SMS is received).

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35. (New) The method of claim 16, further comprising dividing the MMS notification message into the first SMS message and the second SMS message prior to receiving the first SMS message at the mobile station (abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type forming total MMS message after second SMS is received).

36. (New) The method of claim 21, further comprising dividing the MMS notification message into the first SMS message and the second SMS message prior to receiving the first SMS message at the mobile terminal (abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type forming total MMS message after second SMS is received).

37. (New) The method of claim 36, wherein the first SMS message is different than the second SMS message (abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type forming total MMS message after second SMS is received).

38. (New) The method of claim 10, wherein the first one of the two SMS messages is different than the second one of the two SMS messages (abstract, title, fig. 2-6, paragraphs [0034], [0036], [0041], [0047], Rukman teaches the use of threaded SMS messages with data of MMS type forming total MMS message after second SMS is received).

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diego Herrera whose telephone number is (571) 272-0907. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Diego Herrera  
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